

January 7, 2008

Dolores Slatcher City of Seaford P.O. Box 1100 Seaford, DE 19973

RE: PLUS review – 2007-11-12 – City of Seaford comprehensive plan pre-update review

Dear Ms. Slatcher:

Thank you for meeting with State agency planners on December 5, 2007 to discuss the City of Seaford comprehensive plan update. State agencies have reviewed your current comprehensive plan and have asked that the following be considered as you update your plan:

### Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination would like to thank the City of Seaford and its staff for participating in the Pre-PLUS review process in an effort to further expand upon the proposed 2009 Comprehensive Land Use Plan Update. This office acknowledges that the community is currently pleased with the current plan; however, this office would ask the City will consider some of the following recommendations from this office and other state agencies:

• Economic Development: Based upon the Delaware Comprehensive Development Strategies (CEDS) 4 out of the 7 proposed Sussex County economic development projects to foster new job growth are within Seaford. This office would encourage the community to continue to foster economic development by further exploring and identifying areas that are suitable for future zoning that would future industrial and commercial activities and further consider ordinances

that would pre-permit these uses further fostering economic development within the City and western Sussex County.

- Transportation: This Office supports the Department of Transportation recommendation that the community develop a position on secondary roads within the future growth zones for the City of Seaford. A formal position will allow for the Department to better plan for future improvements while further exploring regional planning areas that will develop predictability for future improvement costs for the State, Town and Develop Community.
- <u>Conservation:</u> This Office would encourage the community to develop a formal statement in their plan with regards to tax ditches and regional storm water concerns. The community is correct that this is not just a community concern; however, it is a County and State concern as well. The City should propose a sub regional planning effort to address all aspects that may contribute this to the problem to develop a Memorandum of Understanding to clarify the roles and responsibilities of all parties.
- Intergovernmental Coordination: This Office recognizes the concerns raised by the City with regards to growth occurring within the County adjacent to the community and within the future growth zone of the City. This issue is a continued concern for not just Seaford but for many local jurisdictions within the County. The proposed comprehensive plan update should include a statement regarding this type of growth and its impacts to the community and should propose the creation of a Memorandum of Understanding between the City and County to address this conflict.

### Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

No comments received. We urge the town to work with the Division of Historical and Cultural Affairs as you update you plan.

### **Department of Transportation – Contact: Bill Brockenbrough 760-2109**

On page 19 of the 2003 Plan, there is a statement that 15 percent of the households in the city have no car and are transit dependent. For a small city located in a rural area, and without a local public transit system, this percentage seems quite high. DelDOT recommends that the City make it a priority in the Plan to reassess this situation and determine the validity of this percentage and, if

it is at least approximately correct, to analyze the demographics and needs of this segment of the population and to take any needed action.

2) With regard to other modes of transportation, the 2003 Plan gave good attention to US Route 13 and 13A and Delaware Route 20, so simple updates of what has happened on these roads is all that is necessary there.

An area that may need further attention, however, is the collector and local roads. Roads like Tharp Road (Sussex Road 534), Middleford Road (Sussex Road 535), Old Furnace Road (Sussex Road 46), and Cannon Road (Sussex Road 546) will need to be improved as the City and the area surrounding it develop. The update should assess the condition of these roads and the development that has occurred and is expected along them and recommend the improvements needed for their safe and efficient operation.

# <u>The Department of Natural Resources and Environmental Control - Contact:</u> <u>Kevin Coyle 739-9071</u>

# **Water Quality**

Page 12, Environmental Concerns Section –Although the document indirectly refers to TMDLs through nitrogen and phosphorus load reductions, no specific mention are made of TMDLs. Moreover, the document incorrectly asserts that the Watershed Assessment section will require just nonpoint source load reductions of nitrogen and phosphorus load reductions when, in fact, both nonpoint and point sources are considered in the total nutrient load calculation. This should be corrected. Consider the following:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses. A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment or maintenance of the applicable narrative and numerical water quality standards. A TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact. The Town of Seaford is located within the Nanticoke watershed. The TMDL nutrient reduction required for greater Nanticoke

watershed calls for a nitrogen and phosphorus reduction of 30 and 50% from baseline conditions, respectively. Additionally a TMDL for bacteria will require a 2% reduction from baseline conditions. A Pollution Control Strategy (PCS) will then specify the actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body.

The narrative in the Plan should mention specific environmental concerns and make specific recommendations to address those concerns.

The following are specific environmental concerns and specific recommendations (and reasons) for future ordinance that should be addressed in the Plan:

- 1) The Plan does not mention or make specific buffer width recommendations. Therefore, the Plan should adopt the following recommended buffer width as a recommendation for future ordinance.
  - Since vegetated buffers are important for mitigating nutrient and sediment impacts, the Watershed Assessment Section strongly urges the City to adopt language in the Comp Plan specifically recommending, under future ordinance, a 100-foot minimum upland buffer width (planted with native vegetation) from all wetlands and water bodies. Research has documented that a buffer width of less than 100 feet is not sufficiently protective of water quality. In fact, a literature review of existing buffer research by Castelle et al. (1994) has documented consensus among researchers that a 100-foot upland buffer is the minimum buffer width necessary, under most circumstances, to protect water quality.
- 2) The Plan should make specific recommendations for reducing imperviousness. The following recommendations should be adopted for reducing impervious cover.
  - Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete, is an example of practical BMPs that could easily be implemented to help reduce surface imperviousness. As a consequence, it is strongly recommended that the Comp Plan incorporate a recommendation to enact an ordinance that requires the use of pervious paving materials, whenever practicable, in lieu of conventional paving materials. The use of pervious paving materials is especially important for large commercial parking lot areas.

It is strongly recommended that the City enact an ordinance requiring a best management practice (BMP) implementation plan for all residential and/or commercial development exceeding 20% imperviousness.

Additionally, the Plan should adopt an ordinance that specifically defines how developers may calculate surface imperviousness. This ordinance should specify and require that the calculation for surface imperviousness include all of the following forms of constructed surface imperviousness: all paved surfaces, rooftops, and stormwater management structures.

3) The Plan should make a recommendation to protect open space via ordinance.

It is strongly recommended that the City adopt an "open-space" ordinance recommendation which specifically excludes structural Best Management Practices (BMPs), community wastewater treatment areas, and wetlands from consideration as open space.

The following are specific recommendations for future ordinances:

- a) An ordinance requiring all applicants to submit a United States Army Corps of Engineers (USACE) approved wetlands delineation to the City as conditional approval for any new commercial and/or residential development. Additionally, this ordinance should also require DNREC approval of all wetland delineations involving tidally-influenced wetlands (if applicable).
- b) An ordinance requiring a 100-foot upland buffer (planted in native vegetation) from all wetlands and water bodies.
- c) An ordinance requiring the calculation for surface imperviousness for all commercial and residential development include all constructed forms of surface imperviousness, including all paved surfaces, rooftops, and stormwater management structures.
- d) An ordinance requiring a best management practice (BMP) implementation plan for all residential and commercial development exceeding 20% imperviousness.
- e) An ordinance requiring prohibiting the placement of stormwater management ponds within 100-feet of water bodies and wetlands. That is, all "newly-approved" commercial and/or residential projects should contain a vegetated (i.e., native vegetation) 100-foot upland buffer from all stormwater management ponds and water bodies/wetlands.

- f) An ordinance should be adopted that prohibits the placement of lot lines within wetlands within all "new" commercial and/or residential developments. Existing or established lots should "maximize", to the greatest degree practicable, the distance from building structures and the wetlands line.
- g) An ordinance that prohibits development on hydric soil mapping units (using the NRCS soil survey or a licensed soil scientist as determinants).
- h) An ordinance requiring the applicant to use "green-technology" stormwater management in lieu of "open-water" stormwater management ponds whenever practicable.

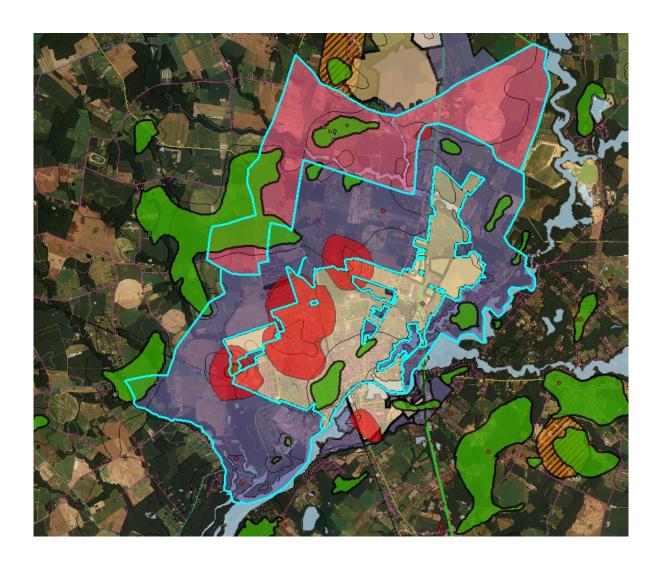
#### **Water Resource Protection Areas**

The Water Supply Section, Ground Water Protection Branch (GWPB), has reviewed the Comprehensive Plan Pre-Update for the City of Seaford. We have referred to the 2003 Plan, the 2003 Plan Update and Annual Report (PLUS 2005-08-12), the 2006 Amendment, and the 2006 maps for content and form.

An update to the Plan needs to reference the adoption of source water protection areas as critical areas as recommended in the review of the City's 2003 Plan Update and Plan Annual Report (PLUS 2003-08-12). The 2007 Plan should have a separate section for source water protection areas. This section needs to express an understanding of the concepts of wellhead protection areas and excellent ground-water recharge potential areas. It needs to cite the significance and content of Delaware's Source Water Protection Law. The Plan should express an understanding of the purpose and need of protection. It needs to express how the City intends to protect these areas and a plan to implement those measures. The Plan also needs to contain maps and discuss the source of the data and their availability.

The 2007 Plan needs to address adequate protection for source water areas. The areas the City intends on annexing contain large areas of excellent ground-water recharge potential (see map). Annexation will increase water demand and create additional wellhead protection areas. DNREC once again extends the offer of assistance in resolving these concerns.

**Map of the City of Seaford** The area outlined in blue show the proposed municipal boundaries for the City. The dark green represent excellent ground-water recharge potential areas. Wellhead protection areas are shown in red.



## **Delaware Natural Heritage and Endangered Species Program**

#### 2003 Plan

#### **Forested Habitat Issues**

There is no mention in the Plan of forest loss or protection of critical wildlife habitat, or rare, threatened and endangered species. There are large areas that the City plans to annex and for which development is anticipated; however, there are no action items in the Plan regarding an effort by the City to preserve or protect any of this land as open space. On Page 39, the existence of State Resource Areas and Natural Areas are acknowledged, but there is a failure to provide any recommendations or clear plan to provide protection of these areas from degradation.

Fairly large connected blocks of forest are associated with Chapel Branch, an area proposed for annexation and potential residential development. The City should consider the protection of this forest block. There is undeveloped forested land along the Nanticoke River and along Chapel Branch, Butler Mill Branch, Bucks Branch and Clear Brook. Numerous rare species are associated with the forested wetlands and riparian buffers along these tributaries, therefore, the protection of this land should be considered important and measures to protect it put in place.

Cumulative forest loss and fragmentation throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State's wildlife (see <a href="www.fw.delaware.gov">www.fw.delaware.gov</a> and the Delaware State Code, Title 7). There is an overall lack of forest protection on the State and County level; therefore, the City should make an effort to implement measures that will aide in forest loss reduction for land within their jurisdiction and those proposed for annexation.

### **Wetland and Riparian Habitat Protection**

Pages 39-40 addresses the importance of and issues with water quality in the Nanticoke River watershed. There is only one recommendation regarding how to protect water quality: 'participate in the development of a Pollution Control Plan'. A similar recommendation is made in Chapter 8 regarding the City's plan to 'monitor the task force developing a strategy to implement the TMDL regulations for the Nanticoke River'. There aren't any specific action items in the comprehensive plan so currently it is unknown what actions will be taken by the City as a result of this plan to ensure that the water quality in the Nanticoke Watershed is protected.

The City's follow through on recommendations made by the Task Force will be key. The Pollution Control Plan should include requirements by the City that all new developments have adequate wetland and riparian buffers as established by scientific research (buffers should be no less than 100 feet in width and in the case of sensitive habitat or the presence of rare species, the buffer zone may need to be 300 feet). The City should not rely on existing buffers required by the County as they are deemed by scientific research to be inadequate. Efforts by the State to implement more stringent buffer requirements have been unsuccessful in Sussex County. Therefore, the City of Seaford should take the lead to ensure that wetlands and waterways are protected within their district as well as those they plan to annex.

#### **State-owned Ponds**

Hearns Mill Pond, Craigs Pond and tributaries that flow into these ponds occur within areas proposed for future annexation and potential residential development. Both of these ponds are owned by State. The State expends funding in an on-going effort to protect the water quality of these ponds for water based recreation and use by all citizens of Delaware. The counties or municipalities in which these ponds reside make land use decisions which impact the ponds. The State continues to request adequate buffers be left in place by developers; however, developers continue to be allowed by the County or municipality to leave inadequate buffers that only exacerbate existing water quality problems. The State recommends that a minimum of 100 feet of existing vegetation be left intact along all State-owned Ponds and tributaries that flow into the ponds. The City should make this a requirement in their comprehensive land use plan.

### **Nanticoke River and Fisheries Issues**

Land use decisions that impact water quality could also impact fisheries that occur within the Nanticoke River. The Nanticoke River/Broad Creek complex is the most heavily fished stream in Delaware by licensed anglers, constituting nearly 20% of stream angling overall. Statewide, the most sought- after fish by Delaware-licensed anglers is the largemouth bass and the Nanticoke River bass fishery has been the most popular fishery in the state. The Nanticoke River fishery also supports the majority (46 % in 2004) of the largemouth bass tournament angling in Delaware and has been the single most popular tournament site for 15 consecutive years. Largemouth bass spawning occurs in both the Nanticoke River and Broad Creek, with the most consistent spawning/nursery area on the Nanticoke River located between Rt. 13 and the Seaford public boat ramp.

### 2008 Plan Update

The following recommendation was made in the 2003 Plan:

"To protect sensitive environmental areas and the water quality of the Nanticoke River".

The City indicates this is in process, but the only action item given is the following:

"The City is currently evaluating possible WWTP expansions to address proposed development pressures. The current projections are that a doubling of existing plant capacity may be necessary within the next 5-7 years. Technology is being considered that will allow an increase in capacity and also a reduction in pollutants."

This falls way short of what measures are needed for protection of sensitive areas and only addresses one source of water pollution. As mentioned previously, riparian and wetland buffers need to be protected from clearing for development. They encourage residential development in the plan but do not have clear goals for ensuring that these developments are designed in an environmentally sensitive way.

### **Drainage**

Surface water management and the development of a master drainage plan are key elements that are missing in the Plan. Tax Ditch Organizations within the proposed annexation area for the City are the Bucks Branch Tax Ditch, Herring Run Tax Ditch, Middleford Tax Ditch, Atlanta Devonshire Tax Ditch, and the Priestly Tax Ditch. Along with tax ditches that have an established right-of-way within the Tax Ditch Organizations are a network of private ditches, without right-of-way, that convey surface water to existing tax ditches. Well-organized and maintained tax ditches provide the drainage conveyance framework that enables the area to have productive farmland and desirable residences.

Existing tax ditch rights-of-way should be protected from development encroachment to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing ditch bank vegetation and the removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way.

There are several known drainage issues within the area proposed for annexation. Please work with the Drainage Program to have these problems addressed during subdivision design.

Consider requiring buffers when land is converted from agriculture to urban uses.

Streams, tax ditches, and private ditches will require periodic reconstruction at intervals dependent upon the sedimentation load from upstream. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or reestablish a design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading along side the ditch within the tax ditch right-of-way. Tax ditch rights-of-way need to be unobstructed.

Planting of riparian buffers should consider drainage maintenance. On private ditches, where practical, the buffers should be planted on the south and west side of the ditch to maximize shading. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Trees should not be planted within 5 feet of the top of the bank to avoid future blockages from roots. The buffers as well as the channel banks should be planted with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into the conveyance. Grasses, forbs and sedges planted within this buffer should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities.

The City should explore the practice of one-sided construction and maintenance of private ditches and tax ditches providing there is adequate room for maintenance. Work with the DNREC Drainage Program, Sussex Conservation District, and the Bucks Branch Tax Ditch, Herring Run Tax Ditch, Middleford Tax Ditch, Atlanta Devonshire Tax Ditch, and the Priestly Tax Ditch to ensure adequate tax ditch right of way is retained for the placement of spoil.

Suggested additions to a subdivision ordinance:

- A 20-foot drainage easement for storm drains, 10 feet per side within subdivisions.
- Open channels within subdivisions require a minimum 20-foot drainage easement as measured from top of bank to allow maintenance access and/or reconstruction.
- Maintenance access along open channels should be dedicated open space.
- Swales within subdivisions would require a 20-foot drainage easement measured from the centerline of the swale, or the width of the swale, whichever is greater.

- Prohibit the routing of major stormwater pipes through yards within a subdivision.
- Encourage the elevation of rear yards within subdivisions to direct water towards the streets where storm drains are accessible for maintenance.
- The Drainage Program requests a 15-foot side yard setback on all subdivision lots
  with a storm drain on the side. A 15-foot side yard setback will allow room for
  equipment to utilize the entire 10-foot drainage easement and maneuver free of
  obstructions if the drainage conveyance requires periodic maintenance or future reconstruction.
- The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance.
- Any catch basin or swale placed in rear and side yards will need to be clear of
  obstructions and be accessible for maintenance. Decks, sheds, fences, and kennels can
  hinder drainage patterns as well as future maintenance to the catch basin or swale.
  Deed restrictions, building setback lines, along with drainage easements recorded on
  deeds, should ensure adequate future maintenance access.
- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future reconstruction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.
- Drainage easements should be for the City and recorded as such. This gives the City the ability to hire a contractor for maintenance of the drainage conveyance.
- Tax ditch rights-of-way should be designated open space.

Suggested additions to a Land Development Code:

- The Drainage Program recommends adding the definitions of maintenance access, buffer, vegetative buffer, riparian buffer, tax ditch right-of-way, and other such key words to the planning and zoning code.
- The City of Seaford should develop a master drainage plan to identify existing open channels within the town boundary and within future annexation area as these

channels may require maintenance in the future. The riparian buffers along the channels provide a multitude of benefits to water quality and wildlife. Most of the channels have trees and wetlands adjacent to the channel. There must be a balance between preserving the riparian buffer and having the capability to access the channel to perform maintenance. A recommended easement width of 20 feet from edge of existing tree line, wetland, or top of bank whichever is greater would allow such access. By identifying such areas now, future development would incorporate the easement into community open space thereby preserving the riparian buffer while allowing for channel maintenance access.

- Water bodies, ponds, intermittent and perennial streams, ditches should be buffered from development. Existing buffers could be enhanced or new buffers planted to obtain 100-foot buffers on each side of the existing water conveyance. A minimum 50-foot tree and shrub planting on buffers with the tallest trees planted on the south and west side of the water conveyance will maximize shading of water. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Do not plant trees closer than 5 feet of the top of the bank to avoid future blockages from tree roots. Plant the balance of the 100-foot buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into water conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species. The construction of pedestrian and bicycle paths within the outer 50 foot of the buffer should be encouraged.
- Wetlands should be protected from development with a 50-foot vegetated buffer.
   Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species.
- Designate all buffers for water bodies, ponds, intermittent and perennial streams, ditches, and wetlands as un-subdivided open space. No portion of any building lot should be within the buffers.
- Designate all wetland buffers as un-subdivided open space. No portion of any building lot should be within the buffers. During prolonged wet periods, the wetland buffers may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, kennels, and backyards being placed within the buffers thereby reducing nuisance drainage complaints.

- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. Preserve existing woodland within proposed annexation areas. Do not allow the clearing of woodland to create stormwater management areas. Develop a tree planting guideline, a tree mitigation planting guideline and woodland preservation language to protect the existing woodland from harvest after annexation.
- For new subdivisions, the developer's engineer should check the existing downstream conveyance and pipes for function and blockages prior to the town's approval of plans and annexation. The developer should notify downstream landowners of any change in volume of water released on them. The examination of downstream conveyance and notification to downstream landowners should not stop at the town boundary.
- Evaluate the existing drainage patterns within future annexation areas to ensure adequate drainage for the cumulative stormwater impact upon full build out of the annexation area. The City should be mindful of potential stormwater impacts from the town onto County residents.

Encourage Bicycle and Pedestrian interconnections in new developments.

Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.

### **State Fire Marshal's Office – Contact: Duane Fox 856-5298**

At this time, this Agency has no objection to, and makes no comments regarding, the Comprehensive Plan or an amendment to a Comprehensive Plan.

The Delaware State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established between the Delaware State Fire Marshal's Office and the Town of Seaford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the Delaware State Fire Prevention Regulations only.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans in accordance with the Delaware State Fire Prevention Regulation.

Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: <a href="www.statefiremarshal.delaware.gov">www.statefiremarshal.delaware.gov</a>, technical services link, plan review, applications or brochures.

# **Department of Agriculture - Contact: Scott Blaier 698-4500**

The Department commends the City in participating in the "pre Plus" process for updating their existing comprehensive plan. The Department offers the comments below for the city's consideration.

Chapter Seven - Economic Development

The Department encourages the city to develop and promote agricultural business whenever possible. The Department now has a fully staffed marketing section, and we encourage the city to contact them at (302) 698-4535 to see how they can help.

Chapter Nine – Land Use Plan and Annexation

The Department encourages the City to participate in a transfer of development right (TDR) program wherever possible. Ideally, the City would accept additional density within its boundaries in order to preserve farmland in more rural areas. Please include a discussion on the use of TDRs in the comprehensive plan, including areas that may be used as receiving areas. Even if Sussex County does not develop a TDR program, the city could develop its own TDR program, to move density around within its own boundaries (Middletown has done this). This would allow the City to create a "greenbelt" of preserved land along its outer annexation boundary, as a transition to more rural areas. I would also allow the city to concentrate growth around existing infrastructure, shopping and employment centers, etc.

Although it does not appear that the city plans to annex any property in the State's Agricultural Lands Preservation Program, we ask that the city not annex preserved properties in the future as a matter of policy. The reason for this is to avoid possible condemnation by the city, and extinguishment of a preservation easement.

#### Other Comments

The Delaware Forest Service would like to work with the City of Seaford to develop a comprehensive urban forestry plan that would address relevant issues within the city. Trees should be considered a part of the city's infrastructure just as roads and utilities. The new comprehensive plan is an opportunity to include tree conservation during

development, and a tree canopy goal for the city. Please contact the Delaware Forest Service at (302) 659-6705 for more information.

### Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

### Delaware State Housing Authority – Contact Vicki Powers 739-4263

DSHA has reviewed the existing Certified Comprehensive Plan to advise the City of Seaford of new regulations passed since its certification in 2005 that should be included in their scheduled update. Since 2005 there has not been new regulations passed for housing, however Delaware and throughout the country have experienced a housing boom and resulting escalation in housing prices. Due to rising home prices, many working individuals and families have been left behind. Comparatively few new homes have been developed affordable to what is termed as Delaware's "workforce households" with incomes below 100 percent of the median income. According to HUD in 2006, 100% of median income is \$67,500. As a result, we encourage the City of Seaford to pursue a balanced stock, in the development of their Comprehensive Plan that will allow residents a choice in where they want to live without putting a strain on their purse strings. A balanced housing stock in any town can significantly improve the quality of life for residents and the economic competitiveness of the region. It is imperative to think about housing because Seaford's housing stock is its largest long-term investment.

DSHA has provided a guide to help assist in writing any town's housing element: Creating a Balanced Housing Stock: A Guide to Writing Your Town's Housing Element outlines the steps in preparing a housing element for any Comprehensive Plan. Furthermore, DSHA is willing to work with the City of Seaford to provide data and technical assistance. In addition to our guide we have developed a website, Affordable Housing Resource Center, to learn about resources to help address the Town's housing needs.

The DSHA website can be found at: <a href="www.destatehousing.com">www.destatehousing.com</a> "Affordable Housing Resource Center" under the new initiatives.

The guide can also be found on the Affordable Housing Resource Center under Housing Element, or by using the link below.

http://www.destatehousing.com/services/servicesmedia/tb housing element guide.pdf

If you have any questions or would like to meet with DSHA, please feel free to contact Victoria Powers at (302)739-4263 ext. 219 or via e-mail at <a href="wicky@destatehousing.com">wicky@destatehousing.com</a>. Thank you.

# **Department of Education – Contact: John Marinucci 735-4055**

- 1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
- 2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
  - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
  - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
  - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
  - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities.
     The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
- 3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
- 4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.
- 5. The DOE offers its support to assist and participate by coordinating with this municipality, the local school districts the County, the Office of State Planning Coordination as well as other school districts and stakeholders as future development and annexations may be considered.
- 6. DOE has no objections or comments regarding the Comprehensive Plan under consideration.
  - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.

- Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
- Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.

Thank you for the opportunity to review this project. The State agencies look forward to working with the Town as you update your plan. Please feel free to contact us if you need additional information while preparing this update.

Sincerely,

Constance C. Holland, AICP

Director